

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDALL TREMAYNE
LONDON,

Plaintiff,

v.

RIVER ROUGE PD, *et al.*,

Defendants.

Case No. 24-10754

Honorable Matthew F. Leitman

Magistrate Judge Elizabeth A. Stafford

ORDER STRIKING PLAINTIFF’S AFFIDAVITS (ECF NOS. 10, 21)

Plaintiff Randall Tremayne London, proceeding pro se and in forma pauperis, brings this civil rights action under 42 U.S.C. § 1983, alleging violations of his Fourth Amendment rights, police misconduct, and malicious prosecution after his home was raided in 2021. ECF No. 1. The Honorable Matthew F. Leitman referred the case to this Court for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 13.

Federal Rule of Civil Procedure 7 authorizes parties to file various pleadings (e.g., a complaint or an answer to a complaint) or a motion that “state[s] with particularity the grounds for seeking” a court order. London filed two documents entitled “affidavit,” which assert factual allegations.

ECF No. 10; ECF No. 21. Those filings are not authorized pleadings, nor do they request a court order. Thus, the Court **STRIKES** those documents as improper filings.

It is unclear whether London intended the affidavits to serve as amended complaints. If London wishes to amend, he must move for leave to file an amended complaint. The proposed amended complaint must be clearly titled as such and provide an exhaustive statement of the factual allegations, the legal claims, and all relief requested. It will also supersede London's original complaint. If London does not move for leave to file an amended complaint, his original complaint (ECF No. 1) will be the operative one.

IT IS ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: August 22, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a**

magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 22, 2024.

s/Julie Owens
JULIE OWENS
Case Manager